

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

001560-396

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

To be assigned

09/807541

INTERNATIONAL APPLICATION NO.
PCT/JP00/05425INTERNATIONAL FILING DATE
11 August 2000PRIORITY DATE CLAIMED
13 August 1999

TITLE OF INVENTION

MICROORGANISMS THAT EXTRACELLULARLY SECRETE LIPIDS AND METHODS OF PRODUCING LIPID AND LIPID VESICLES ENCAPSULATING LIPIDS USING SAID MICROORGANISMS

APPLICANT(S) FOR DO/EO/US

Kengo AKIMOTO, Hiroshi KAWASHIMA, and Sakayu SHIMIZU

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and the PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:

PCT Notice Informing Applicant of the Communication of the International Application to the Designated Offices (Form PCT/IB/308)

Cover page from published PCT application (WO 01/12780)

JP PCT Request Form

Translations of Receipt in the Case of an Original Deposit (dated Dec. 22, 1986 and Aug. 11, 2000)

U.S. APPLICATION NO. (if known / see 37 CFR 1.53)

To be assigned

09/8541

INTERNATIONAL APPLICATION NO.

PCT/JP00/05425

ATTORNEY'S DOCKET NUMBER

001560-396

17. ☒ The following fees are submitted:

CALCULATIONS

PTO USE ONLY

Basic National Fee (37 CFR 1.492(a)(1)-(5)):

Neither international preliminary examination fee (37 CFR 1.482)
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO
and International Search Report not prepared by the EPO or JPO \$1,000.00 (960)

International preliminary examination fee (37 CFR 1.482) not paid to
USPTO but International Search Report prepared by the EPO or JPO \$860.00 (970)

International preliminary examination fee (37 CFR 1.482) not paid to USPTO
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$710.00 (958)

International preliminary examination fee paid to USPTO (37 CFR 1.482)
but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$690.00 (956)

International preliminary examination fee paid to USPTO (37 CFR 1.482)
and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00 (962)

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$ 860.00

Surcharge of \$130.00 (154) for furnishing the oath or declaration later than
months from the earliest claimed priority date (37 CFR 1.492(e)).

20 ☐ 30 ☐

\$

Claims

Number Filed

Number Extra

Rate

Total Claims

79 -20 =

59

X\$18.00 (966)

\$ 1,062.00

Independent Claims

9 -3 =

6

X\$80.00 (964)

\$ 480.00

Multiple dependent claim(s) (if applicable)

+ \$270.00 (968)

\$

TOTAL OF ABOVE CALCULATIONS =

\$ 2,402.00

Reduction for 1/2 for filing by small entity, if applicable (see below).

\$

SUBTOTAL =

\$ 2,402.00

Processing fee of \$130.00 (156) for furnishing the English translation later than
months from the earliest claimed priority date (37 CFR 1.492(f)).

20 ☐ 30 ☐

\$

+

TOTAL NATIONAL FEE =

\$ 2,402.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by
an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 (581) per property +

\$ 40.00

TOTAL FEES ENCLOSED =

\$ 2,442.00

Amount to be:
refunded

\$

charged

\$

- a. ☐ Small entity status is hereby claimed.
- b. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.
- c. ☒ Please charge my Deposit Account No. 02-4800 in the amount of \$ 2,442.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- d. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Ronald L. Grudziecki
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

April 13, 2001

SIGNATURE

Donna M. Meuth

NAME

36,607

REGISTRATION NUMBER

DEPOSITOR

Name SUNTORY LIMITED

Representative Keizo Saji

Address 1-40, Dojimahama 2-chome,
Kita-ku, Osaka-shi, Osaka

BUDAPEST TREATY N THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF
MICROORGANISMS FOR THE PURPOSES OF
PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL
DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this
page.

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the

(Deposition Number)

DEPOSITOR: *Mortierella elongata* SAM 0219

FERM BP-1239

II. SCIENTIFIC DESCRIPTION AND/OR TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

- x a scientific description
- x a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the
microorganism identified under I above, which was received by it on
March 19, 1986 (Date of the original deposit). (Transferred from FERM
P-8703 deposited on March 19, 1986)

IV. INTERNATIONAL DEPOSITARY AUTHORITY

Fermentation Research Institute

Agency of Industrial Science and Technology

Director General Akio Sato

1-3, Higashi 1 chome, Tsukuba-shi,
Ibaraki-ken, 305, Japan

December 22, 1986

DEPOSITOR

Name: SUNTORY LIMITED

Representative: Shinichiro Torii

Address: 1-40, Dojimahama 2-chome,
Kita-ku, Osaka-shi, OsakaBUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF
MICROORGANISMS FOR THE PURPOSES OF
PATENT PROCEDURERECEIPT IN THE CASE OF AN ORIGINAL
DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page.

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the
DEPOSITOR: *Mortierella alpina* SAM 2241

(Deposition Number)

FERM BP-7272

II. SCIENTIFIC DESCRIPTION AND/OR TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

a scientific description

X a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the
microorganisms identified under I above, which was received by it on
August 11, 2000 (Date of the original deposit)¹.

IV. RECEIPT OF TRANSFER

This International Depositary Authority accepted the
microorganisms identified under I above, on (Date of the
original deposit), and accepted a request for transfer to a deposition
under Budapest treaty from the original deposition, on
(Transferred from FERM P- deposited on .)

V. INTERNATIONAL DEPOSITARY AUTHORITY

National Institute of Science and Human-Technology
Agency of Industrial Science and Technology
Director General Shinichi Ohashi1-3, Higashi 1 chome, Tsukuba-shi,
Ibaraki-ken, 305-8566, Japan

August 11, 2000